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Docket No.: PC20008A
S/N: 10/772,899
Filed: 02/05/2004

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REMARKS

Claims 21-34 are pending.

Claims 21-34 have been rejected under 35 USC §103.

Claims 24 to 30 have been cancelled without prejudice.

Upon entry of this amendment, Claims 21-23 and 31-34 will be pending.

Claims 21-23 and 31-34 have been amended to require a "retention means" for the stacked packets and delete language relating to the "tab" and "pouch" portions. Support for the amendment can be found in the claims as originally filed.

Before considering the Examiner's rejection under 35 USC § 103 in detail, Applicant wishes to briefly summarize the key aspects of the present invention.

The present invention, as amended, relates to packaged supplies of individual doses of a personal care product comprising: a plurality of substantially identical packets uniformly stacked in a non-staggered arrangement for holding a single dose of the personal care product that is in a film dosage form and a retention means for releasably holding the stacked packets in the tray.

Rejection under 35 USC §103

Claims 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,613,779 to Niwa (Niwa) in view of US 6,596,298 to Leung, et al. (Leung) or US 6,516,950 to Robertson (Robertson) and US 4,811,845 to Baggett (Baggett) and in further view of US 4,889,238 to Batchelor (Batchelor) or US 3,826,222 to Romick (Romick). Applicant respectfully traverses this rejection.

Niwa relates to a pouch adapted to accommodate medicine or the like comprising first and second compound films forming front and back surfaces of a pouch.

Leung relates to physiologically acceptable edible films.

Robertson relates to a credit card-sized carrier for a medicament.

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Baggett relates to containers comprising a set of first containers each bearing indicia indicative of the day of the week is provided and a plurality of second containers for disposition in each of the first containers.

Batchelor relates to a medicament package for improving compliance comprising a plurality of medications administered to a patient in a prescribed sequence and in accordance with specified intervals.

Romick relates to a system for handling and dispensing pre-packaged unit doses of medicine for a large number of patients, comprising a dispensing container which is packed by the pharmacist with unit dose packs and from which the individual doses are administered to the patients, for example, by a nurse.

Nowhere, however, do any of the above-mentioned references teach or suggest packaged supplies incorporating a retention means for the packets contained in the package. Therefore, since none of the above references teach or suggest package supplies incorporating a retention means for the packets contained in the package, the packaged supplies of the present invention, as amended, would not have been obvious over these references either alone or in combination.

Obviousness-type Double Patenting

The Examiner has rejected Claims 21-34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of US Patent 6,708,826 B1. Applicant submits herewith a Terminal Disclaimer over US Patent 6,708,826 B1. This should obviate the Examiner's obviousness type double patenting rejection.

Conclusion

Therefore, in light of the amendments and remarks made herein, it is respectfully submitted that the rejection under 35 USC § 103 has been overcome. Applicant respectfully submits that he has distinguished the cited art sufficiently to avoid the Examiner's rejection. Accordingly, reconsideration and allowance of Claims 21-23 and 31-34 are earnestly solicited.

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Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the number listed below.

Date

9/27/06

Respectfully submitted,


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